

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1852 – HB 1768

April 8, 2014

SUMMARY OF ORIGINAL BILL: Raises the classification of knowingly abusing, neglecting, or exploiting any adult who is unable to manage his or her resources or carry out the activities of daily living due to some dysfunction or advanced age.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$18,200/Incarceration*

SUMMARY OF AMENDMENT (016119): Enhances elder abuse to a Class D felony.

Requires the clerk of the court to notify the Department of Health upon each conviction of knowingly abusing an adult. A copy of the judgment must be sent to the department. Requires the department to place the person on the registry of persons who have abused, neglected, or misappropriated the property of a vulnerable individual. Requires the department to notify the individual that he has been placed on the registry. The person may challenge the accuracy of the report.

Creates an elder abuse task force. Members of the task force are one senator appointed by the Speaker of the Senate, one representative appointed by the Speaker of the House of Representatives, the executive director of the Commission on Aging and Disability, the commissioner of Human Services, the commissioner of Financial Institutions, the commissioner of Commerce and Insurance, a representative of the Disability Law and Advocacy Center of Tennessee, a district attorney general selected by the District Attorneys General Conference, and the executive director of the Tennessee Bureau of Investigation.

The task force will assess the current status of elders in Tennessee and make recommendations to the General Assembly and the governor. Members of the task force serve without compensation, but may be reimbursed for expenses. The Department of Human Services shall provide administrative support to the task force.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$18,200/Incarceration*
\$700/Each One-Day Meeting

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Assumptions for the bill as amended:

- According to statistics from the Department of Correction (DOC), there has been an average of one admission per year for elder abuse, neglect, or exploitation over the last 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- Elder abuse is a Class E felony. The proposed legislation raises the classification to a Class D felony. The proposed legislation will result in one offender per year serving an additional 0.75 years (2.06 average time served for Class D felony – 1.31 average time served for Class E felony).
- A recidivism discount of 32.03 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- According to the DOC, the average operating cost per offender per day for calendar year 2014 is \$66.29.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving an additional .75 years (273.94 days) for a total of \$18,159.48 (\$66.29 x 273.94 days).
- The proposed legislation does not create any new offenses. Rather, it merely increases the punishment for an existing offense. It is assumed that any impact to the courts, district attorneys, and public defenders can be accommodated within existing resources.
- The affected departments and agencies are located in Nashville. It is assumed that each meeting to the task force will be in Nashville, and will not require any travel or expense reimbursement for the department and agency members. The General Assembly members, however, will be compensated and receive travel if they do not live in the Nashville area.
- The cost for two members from the General Assembly to attend a meeting of the council is \$655 [(\$188 per diem + \$139.59 mileage for each member) x 2 members].

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/trm